

TOMMY RAY WARREN.

v.

Defendant.

## ORDER

Case 3:09-cv-01208 Document 10 Filed 05/11/10 Page 1 of 2 PageID #: 48


As provided in the accompanying memorandum, the complaint is **DISMISSED** for failure to state a claim under federal law. 28 U.S.C. §§ 1915(e)(2)(B)(ii); 1915A(b)(1). Because an appeal from the judgment rendered herein would **NOT** be taken in good faith, Plaintiff is **NOT** certified to pursue an appeal *in forma pauperis*. 28 U.S.C. § 1915(a)(3). Nevertheless, should Plaintiff file a notice of appeal, he either must pay the Clerk of Court the full four hundred fifty-five dollar (\$455.00) appellate filing fee, or submit a new application to proceed *in forma pauperis* with a certified copy of his inmate trust account statement for the six (6) month period preceding the filing of his notice of appeal. 28 U.S.C. §§ 1915(a)(1)-(a)(2).

The Clerk is instructed to forward a copy of this Order to the Warden at DeBerry to ensure that the custodian of Plaintiff's inmate trust fund account complies with the portion of the Prison Litigation Reform Act that pertains to the payment of filing fees. Should Plaintiff be transferred from his present place of confinement, the custodian of his inmate trust fund account shall ensure that a copy of this Order follows Plaintiff to his new place of confinement. All payments made pursuant to this Order shall be forwarded to the Clerk of Court for the Middle District of Tennessee.

Entry of this Order shall constitute the judgment in this action.

It is so **ORDERED**.

**ENTERED** this the 10<sup>th</sup> day May, 2010.

  
William J. Haynes, Jr.  
United States District Judge